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File No. O. Talukdari Tenure/50

Legal Department

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Subject:-

Opinions under the Bombay

Talukdari Tenure ~~Abo~~ Abolition

Act 1949

File

File No. O Talukdari Tenure/50 586 A

Gen. 196

C O N T E N T S.

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1.	O.No.2327, 5.7.51.	Bombay Talukdari Tenure Abolition Act, 1949. Talukdars can claim forest lands which are included in uncultivated lands.	1-
2.	O.No. [illegible]	Fixation of the privy purse of the Deccani Chiefs whether Govt. can enter into agreement.	3-

V.T.D./ 18.6 50.

18/6

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Legal Department.

Clause 6 of the Bombay Taluqdari Tenure Abolition Bill, as originally drafted combined the words " all waste and uncultivated lands When the Bill was before the Assembly, Shri B.D. Lala moved an amendment substituting the words " all waste and all uncultivated lands " for the words "all waste and uncultivated lands ". in clause 6. This amendment was accepted on behalf of Government. The result of this an amendment is to draw a distinction between "waste lands " and "uncultivated lands". Cultivation implies some kind of labour generally consisting of breaking up the soil (see 21. I.C. 532 at p. 536). The Explanation to Sec. 6 makes it clear that the expression "uncultivated lands " in the section has this meaning. It clearly states that if the land has not been cultivated for a period of 3 years , it shall be deemed to be uncultivated. With that purpose in view sec. 7 provides for compensation for uncultivated land but is cultivable and also for trees. Sec. 6 of the Bombay Taluqdari Tenure Abolition Act, 1949, excludes only,

(1) lands used for building or other non-agricultural purposes; and

(2) the lands in the waste area.

It would, therefore, appear that Forest lands are included in uncultivated lands and under sec. 6 of the Act they vest in Government. It is not open to Talugdars to claim them unless they are situated ~~and~~ in cities Municipal areas. The view taken by P.D. Rev. Dept., is not correct.

Sd/- J.R. Dhurandhar.
1.7
Additional Secretary to Government.

U.R. to R.D. No. 9321 , dated 5th July 1950.

V.M.D./16.6
do.

Land Department.

I agree generally with the view taken in the office note of D.C. regarding the position of the Hmuai Chieftains in West Khandesh District. As pointed out therein, so far as this Government is concerned, the Hmuai Chieftains were never recognized as having any ruling power. The Hmuai Regulation of 1949 makes it clear that the Bombay Land Revenue Code applies to their estates. With that object in view Schedule II of the Regulation makes several amendments in various provisions of the Land Revenue Code. The most important amendment is in section 136 of the Code which provides that all Hmuai land is liable to assessment in accordance with the provisions of the Bombay Land Revenue Code and the Rules thereunder and the Commander, if he is a superior holder of any of the land, is liable to pay assessment therefor. As regards the civil liability between the tenants and cultivators, the view taken in D.C. note that those cultivators who paid only assessment to the Commander would be occupants of the land while those who paid rent would be tenant but the Commander would be liable for assessment for the said lands as well as other lands which he may be actually cultivating is correct. The Collector's view that the civil list or the party posts of the Hmuai Chieftains should be fixed or any agreement should be entered into with the Hmuai Chieftains is entirely wrong.

Sd/- V.D.Dharmadhar.
29.9
Additional Secretary to Government.

V.M.D./- 18.9.
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